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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/761,759	01/18/2001	Ritsuko Otake	35.C15046	6154
5514	7590	10/15/2004	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO			DIVINE, LUCAS	
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2624

DATE MAILED: 10/15/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/761,759

Applicant(s)

OTAKE, RITSUKO

Examiner

Lucas Divine

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 18 January 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 January 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>4</u> . | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Information Disclosure Statement*

1. The information disclosure statement (IDS) submitted on 4/9/2001 was filed on or after the mailing date of the application on 1/18/2001. The submission is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

### *Claim Rejections - 35 USC § 102*

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 – 28 are rejected under 35 U.S.C. 102(e) as being anticipated by Toda (US 6256107).

Regarding claim 16, Toda teaches an image forming system including interconnected and priority allocated image forming devices including **an image output control apparatus** (Fig. 10, wherein copier 1c can be used as the control apparatus as shown in col. 14 lines 53-54 discuss 1c has the control apparatus due to user operation), **which is connected to an input device inputting image data** (col. 4 lines 66-67 teach an image input device, specific example

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scanner 2) and plural image output devices through a communication medium (bottom of col. 4 and top of col. 5 and shown in Fig. 10), and can control image output of the plural image output devices comprising:

**first setting means** (Fig. 6) for setting the total number of output copies when the image data is output by the plural image output devices (Fig. 8(a) shows the selection of 'number of copies' from setting means);

**first storage means** (memory 53 as shown in Figs. 4 and 5) for storing distribution priority order for distributing the total number of output copies (col. 18 lines 64-67, wherein prioritization of output apparatuses is selected) set by said first setting means to the plural image output devices;

**second storage means** (memory 53 as shown in Figs. 4 and 5, wherein the memory inherently has separate sections for separate functions of the copier) for storing a limitation value for limiting the number of distribution copies in the total number of output copies set by said first setting means, for each image output device (col. 21 lines 16-19, wherein each machine's capacity 'limiting number' is sent to and stored in the controlling apparatus for job allocation purposes); and

**control means for performing control to distribute the total number of output copies to the respective image output devices outputting the image data** (col. 15 line 13, wherein control apparatus 1c is set as the allocating 'distributing' machine), **on the basis of the distribution priority order** (col. 16 starts an example, that runs through col. 18, of allocation processing based on prioritization of output apparatuses, also shown in Fig. 1, wherein the priority is considered in distributing copies) **and the limitation values** (col. 21 lines 16-19,

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wherein the setting of how many copies each output device produces is based on that machine's capacity 'limiting number').

Regarding claim 17, which depends from claim 16, Toda further teaches that **when the total number of output copies is smaller than the sum of the limitation values of the image output devices outputting the image data, said control means performs the control to distribute to each image output device the number of output copies equal to the limitation value of this image output device, in the order of the image output device of high distribution priority order.** In col. 13 lines 39-48, Toda teaches allocating jobs to other copying machines when the number of copies is great, meaning more than one machine can handle efficiently. If the number is greater than the system can efficiently handle (more than the sum of limiting numbers of the devices), the system will inherently break the large number of copies into two jobs that are each smaller than the sum of limiting numbers. Thus, if the number of output copies is smaller than the system capacity 'sum of limitation values' the system outputs to the plurality of devices according to limiting numbers and priorities as discussed in the rejection of claim 16.

Regarding claim 18, which depends from claim 16, Toda further teaches that **when the total number of output copies is smaller than the limitation value of the image output device of which distribution priority order is highest in the image output devices outputting the image data, said control means performs the control to distribute the total number of output copies only to the image output device of which distribution priority order is highest.** In col. 13 lines 39-48, Toda teaches not allocating copies to other machines if the number of copies to be produced is not great, thus the machine with highest priority can handle it

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efficiently. In this case, the control means distribute the job only to the apparatus with highest priority, which would be 1c in the example 1 (col. 13 line 26).

Regarding claim 19, which depends from claim 16, Toda further teaches:

**display means for displaying information concerning the distribution priority order** (LCD screen 61 in Fig. 6, col. 9 line 21); **and**

**second setting means** (a plurality of setting means are shown in Figs. 7, 8, and 9, wherein each function inside the device has its own menu, setting options, and memory section) **for setting the distribution priority order for each image output device in accordance with operator's input based on the information displayed on said display means** (col. 18 lines 65-67 teach an operating inputting information of device priority into setting means 55),

**wherein said first storage means stores the distribution priority order set by said setting means** (as discussed above, each function has its own menu, setting options, AND memory section 'storage means').

Regarding claim 20, which depends from claim 19 as it depends from claim 16, Toda further teaches:

**registration means** (Fig. 12, software registration means are shown, in specific, the actual registration is completed in step S42 which renews, consisting of registering 'saving' the group and refreshing the list, the changes of the destination machine list 'registered group' of machines that a user selects in steps S45-S48 on the display for the operator, col. 19 line 65) **for grouping the set values of the distribution priority order for each image output device set by said second setting means, giving a group name to the grouped set values, and registering them** (col. 19 teaches the operator grouping devices together with selections on

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setting means 55 [lines 7-9 and 18] and viewing selections on LCD 61 [col. 20 lines 19-22] as well as creating a distribution list of registered machines 'registered group' assigned to that user [lines 37 and 51-55]); and

**third storage means for storing the registration information registered by said registration means** (as discussed in the rejection of claim 19, each function of the image processing apparatus has its own menu, setting options, AND memory section 'storage means', including the registration function of col. 19),

**wherein said second setting means sets the distribution priority order of each image output device on the basis of the registration information stored in said third storage means, in accordance with designation of the group name by an operator** (col. 19 line 55, wherein the registered group is inherently associated with the operator making the selections, by name or other designation).

Regarding claim 21, which depends from claim 20 as it depends from claims 19 and 16, Toda further teaches that **said display means can simultaneously display the plural group names stored in said third storage means** (LCD 61 displays menus and choices for each function, examples shown in Figs. 8 and 9), and

**said second setting means sets the distribution priority order for each image output device on the basis of the registration information stored in said third storage means, according as any one of the plural group names displayed by said display means is selected by the operator** (registration groups associated with operators can be selected and previously set priorities for devices are then loaded, for example, the list of registered machines can be brought up 'renewed' in col. 19 line 65 where the operator can adjust the list and priorities, line 62).

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Regarding claim 22, the structural elements of apparatus claim 16 perform all of the steps of method claim 22. Thus, claim 22 is rejected for the same reasons discussed in the rejection of claim 16.

Regarding claim 23, which depends from claim 22, the structural elements of apparatus claim 17 as it depends from rejected apparatus claim 16 perform all of the steps of method claim 23. Thus, claim 23 is rejected for the same reasons discussed in the rejection of claim 17.

Regarding claim 24, which depends from claim 22, the structural elements of apparatus claim 18 as it depends from rejected apparatus claim 16 perform all of the steps of method claim 24. Thus, claim 24 is rejected for the same reasons discussed in the rejection of claim 18.

Regarding claim 25, which depends from claim 22, the structural elements of apparatus claim 19 as it depends from rejected apparatus claim 16 perform all of the steps of method claim 25. Thus, claim 25 is rejected for the same reasons discussed in the rejection of claim 19.

Regarding claim 26, which depends from claim 25 as it depends from claim 22, the structural elements of apparatus claim 20 as it depends from rejected apparatus claims 19 and 16 perform all of the steps of method claim 26. Thus, claim 26 is rejected for the same reasons discussed in the rejection of claim 20.

Regarding claim 27, which depends from claim 26 as it depends from claims 25 and 22, the structural elements of apparatus claim 21 as it depends from rejected apparatus claims 20, 19, and 16 perform all of the steps of method claim 27. Thus, claim 27 is rejected for the same reasons discussed in the rejection of claim 21.

Regarding claim 28, the operation of the program code storage medium of claim 28 performs the steps of method claim 22 within a computer readable medium. Therefore, claim 28



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is rejected for the reasons stated in the rejection of method claim 22. Toda further teaches the use of a processor 54 capable of performing the method steps as claimed in claim 22 as well as memory 53 to store the necessary program data and steps (Fig. 4).

Regarding claims 1 and 2, the apparatus elements claimed in claims 1 and 2 are the same elements as claimed in the apparatus claim 16. Therefore, claims 1 and 2 are rejected for the reasons stated in the rejection of apparatus claim 16 above.

Regarding claim 3, which depends from claim 2 as it depends from claim 1, the apparatus elements of claim 3 are the same as the apparatus elements of claim 17 as it depends from claim 16. Therefore, claim 3 is rejected for the same reasons as stated in the rejection of claim 17.

Regarding claim 4, which depends from claim 2 as it depends from claim 1, the apparatus elements of claim 4 are the same as the apparatus elements of claim 18 as it depends from claim 16. Therefore, claim 4 is rejected for the same reasons as stated in the rejection of claim 18.

Regarding claim 5, which depends from claim 2 as it depends from claim 1, the apparatus elements of claim 5 are the same as the apparatus elements of claim 19 as it depends from claim 16. Therefore, claim 5 is rejected for the same reasons as stated in the rejection of claim 19.

Regarding claim 6, which depends from claim 5 as it depends from claims 2 and 1, the apparatus elements of claim 6 are the same as the apparatus elements of claim 20 as it depends from claims 19 and 16. Therefore, claim 6 is rejected for the same reasons as stated in the rejection of claim 20.

Regarding claim 7, which depends from claim 6 as it depends from claims 5, 2, and 1, the apparatus elements of claim 7 are the same as the apparatus elements of claim 21 as it depends

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from claims 20, 19, and 16. Therefore, claim 7 is rejected for the same reasons as stated in the rejection of claim 21.

Regarding claims 8 and 9, the structural elements of apparatus claim 16 perform all of the steps of method claims 8 and 9. Thus, claims 8 and 9 are rejected for the same reasons discussed in the rejection of claim 16.

Regarding claim 10, which depends from claim 9 as it depends from claim 8, the structural elements of apparatus claim 17 as it depends from rejected apparatus claim 16 perform all of the steps of method claim 10. Thus, claim 10 is rejected for the same reasons discussed in the rejection of claim 17.

Regarding claim 11, which depends from claim 9 as it depends from claim 8, the structural elements of apparatus claim 18 as it depends from rejected apparatus claim 16 perform all of the steps of method claim 11. Thus, claim 11 is rejected for the same reasons discussed in the rejection of claim 18.

Regarding claim 12, which depends from claim 9 as it depends from claim 8, the structural elements of apparatus claim 19 as it depends from rejected apparatus claim 16 perform all of the steps of method claim 12. Thus, claim 12 is rejected for the same reasons discussed in the rejection of claim 19.

Regarding claim 13, which depends from claim 12 as it depends from claims 9 and 8, the structural elements of apparatus claim 20 as it depends from rejected apparatus claims 19 and 16 perform all of the steps of method claim 13. Thus, claim 13 is rejected for the same reasons discussed in the rejection of claim 20.

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Regarding claim 14, which depends from claim 13 as it depends from claims 12, 9, and 8, the structural elements of apparatus claim 21 as it depends from rejected apparatus claims 20, 19, and 16 perform all of the steps of method claim 14. Thus, claim 14 is rejected for the same reasons discussed in the rejection of claim 21.

Regarding claim 15, the operation of the program code storage medium of claim 15 performs the steps of method claim 8 within a computer readable medium. Therefore, claim 15 is rejected for the reasons stated in the rejection of method claim 8. Toda further teaches the use of a processor 54 capable of performing the method steps as claimed in claim 8 as well as memory 53 to store the necessary program data and steps (Fig. 4).

### *Conclusion*

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ataka, US 5689755, 11-18-1997: teaches a distributed interconnected image forming system for completing plural sets of copies over multiple machines.

Lobinondo, US 5287794, 2-15-1994: teaches a distributed printing environment including breaking up large jobs and allocating portions to multiple machines.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lucas Divine whose telephone number is 703-306-3440. The examiner can normally be reached on Monday - Friday, 8:00am - 4:30pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Moore can be reached on 703-308-7452. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Lucas Divine  
Examiner  
Art Unit 2624

ljd



**DAVID MOORE**  
**SUPERVISORY PATENT EXAMINER**  
**TECHNOLOGY CENTER 2600**